



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 9

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JUN 30 2003

In re Application of : DECISION ON REQUEST  
Yu-Lung Lo et al. : TO REMAIL OFFICE ACTION  
Application No.: 09/843,398 :  
Filing Date: April 26, 2001 :  
Attorney's Docket No.: U 013422-3 :

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181 filed on June 11, 2003 via facsimile transmission. It is being treated as a request to remail an Office action since the application has never been held to be abandoned.

The request is **GRANTED**.

An Office action was mailed on November 6, 2002. There has been no response to that Office action.

Requester asserts that the Office action of November 6, 2002 was never received. In accordance with MPEP section 711.03 (c)(II), petitioner submitted as evidence the necessary statement stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates the Office action was not received. Also, a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed was attached to and referenced in practitioner's statement.

However, this evidence is not necessary since a review of the application file indicates that the Office action of November 6, 2002 was inadvertently mailed to a law firm in California who promptly mailed the Office action back to the Patent and Trademark Office (PTO) on November 27, 2002. The returned Office action was received at the PTO on December 3, 2002. The Office action was never remailed.

The application is being forwarded to the Technology Center 2800 support staff for remailing of the Office action of November 6, 2002 with a new three month shortened statutory period for response.

*Edward Westin*

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